

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FIVE

C.D.J., JR., BY AND THROUGH HIS NEXT)	No. ED103969
FRIEND C.D.J., SR. AND C.D.J., SR.,)	
INDIVIDUALLY,)	
)	
Respondents,)	Appeal from the Circuit Court of
)	St. Louis County
vs.)	
)	Honorable Ellen H. Ribaudo
MISSOURI DEPARTMENT OF SOCIAL)	
SERVICES, CHILDREN’S DIVISION,)	
)	
Appellant.)	Filed: November 8, 2016

The Children’s Division of the Missouri Department of Social Services (the “Division”) appeals the order and judgment of the circuit court of St. Louis County in favor of C.D.J. Jr. (“Son”) and C.D.J. Sr. (“Father”) (collectively “Respondents”). The circuit court reversed the Division’s administrative determination that Son was abused by an unknown perpetrator, and ordered the Division to remove its determination from the Central Registry. On appeal, the Division argues (1) Respondents did not have standing to seek judicial review of its determination because they were not “aggrieved” and (2) the court should not have conducted contested case review, but should have instead conducted de novo judicial review pursuant to § 536.100 RSMo.

AFFIRMED

Division Five Holds:

- (1) Father and Son have standing to challenge the Division’s determination that Son was abused by an unknown perpetrator.
- (2) The Division exceeded its statutory authority when it determined that Son was abused by an unknown perpetrator.

Opinion by: Philip M. Hess, C.J.
Lawrence E. Mooney, J. and Kurt S. Odenwald, J. concur.

Attorney for Appellant: Gary L. Gardner

Attorney for Respondents: Daniel J. Bruntrager
Mary L. Bruntrager, Co-counsel

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